

**Thomas Panel - Minutes**  
**Kleen Energy Power Plant**  
**August 10, 2010**  
**Room 2D, LOB**  
**Hartford, CT**

**Panel Members Present**

James M. Thomas, Chairman  
Chief Edward Badamo  
Kevin DelGobbo for Karl Baker  
Vishnu Khade, Ph.D  
President John Olsen  
John Parker  
Robert Ross  
Bruce J. Spiewak

**Representing**

DPS Commissioner  
Middletown South Fire District  
DPUC Commissioner  
DPW – Design Engineer  
CT AFL/CIO  
City Building Official, Middletown  
DPS – Director, DFEBS  
American Institute of Architects

**Call to Order**

Chairman James Thomas, DPS Commissioner, called the meeting to order at 10:00a.m.

**Introduction of Members of the Panel**

Members of the Thomas Panel introduced themselves:

*Chairman James Thomas* is currently the Commissioner of the Department of Public Safety and has 40 years of public safety experience.

*John Olsen* has served as President of the Connecticut AFL/CIO since 1988.

*Bruce Spiewak* represents the American Institute of Architects and has been an architect for over 30 years.

*Edward Badamo* is currently the Fire Chief at the Middletown South Fire District and was an incident commander at the time of the Kleen Energy explosion.

*Robert Ross* is the Director of the Division of Fire, Emergency and Building Services. Within that the Division is the State Fire Marshal's Office and the State Building Inspector's Office. He is also a retired Fire Chief, most recently at the South Fire District.

*John Parker* is the Chief Building Inspector in Middletown.

*Kevin DelGobbo* is currently the Commissioner of the Department of Utility Control and is a member of the Nevas Panel.

*Vishnu Khade* is a design engineer with the Department of Public Works.

**Purpose of the Panel and Meeting Schedule**

Chairman Thomas stated that the primary goal of the Thomas Panel is to provide the Governor and DPUC with recommendations to avoid tragedies such as the Kleen Energy Power Plant explosion and;

1. Review Local and State Permitting Processes
2. Review building codes and oversight methods for construction of power plants and large industrial facilities with on-site generating facilities.
3. Training and safety protocols for testing power systems, including maintaining accurate lists of personnel who are present during such tests.

## Presentation and Overview of the Nevas Panel Report

Commissioner Kevin DelGobbo stated that the Nevas Panel is comprised of several state agencies, with the Siting Council having a significant role. Commissioner DelGobbo stated that the members of the Nevas Panel ("Panel") have concluded that they can accomplish their commission by making the following three (3) determinations:

1. The Panel finds that the February 7, 2010, explosion was the product of a process used to clean a natural gas pipeline using large quantities of natural gas that came into contact with an ignition source known in the industry as a "gas blow;"
2. The Panel finds that, although the Kleen Energy construction project was heavily regulated by a variety of agencies, no agency regulated the process used - or any process that might be used such as gas purging - to clean the natural gas pipeline that was the source of the explosion;
3. The Panel finds, and recommends to the Thomas Panel, that there are significant regulatory steps that should be taken to ensure that the events of February 7, 2010 are not repeated.

Comm. DelGobbo reported that the Nevas Panel has made the following recommendations:

1. Determine whether any other state or federal agency has developed a regulatory structure applicable to natural gas pipeline cleaning (hereinafter, "gas blowing" or a "gas blow").
2. Consult with industry experts to determine which methods of gas blowing are used and/or recommended, and identify the advantages and disadvantages of each method.
3. Identify the agency, or agencies, best suited to regulate the gas blow process.
4. Recommend the level of training and expertise necessary for that agency to effectively establish and enforce necessary cleaning regulations.
5. Consider recommending that the *Connecticut Siting Council* impose safety conditions upon any entity constructing a power plant that will employ the gas blow cleaning process.
6. Consider recommending that the Connecticut Department of Consumer Protection and/or the Connecticut Department of Labor identify, if appropriate, special licensing, credentials and/or training for those assigned to effect power plant gas blows in Connecticut.

Further, consider recommending that the latter agencies address whether work schedule limitations are appropriate for those assigned to perform power plant gas blows in Connecticut.

7. Consider recommending the establishment of regulations in the seven (7) following areas:
  - i. For every method of gas blowing, the qualifications, training, credentials and/or licensing needed for the staff involved in the gas blow process;
  - ii. Determine which and/or whether any of the gas blow agents now in use should be permitted in the future;
  - iii. Identify acceptable practices for each permissible gas blow agent;
  - iv. Identify the type and level of notice that must be given by the contractor to the regulatory agency, or agencies, prior to any gas blowing operation;
  - v. The establishment of design specifications for the materials to be used in the gas blowing process;
  - vi. The establishment of site requirements and limitations (e.g., identify the personnel who may be on site before and during the gas blow; set the qualifications for those individuals; identify the roles of individuals permitted to be on site; set appropriate perimeter security; consult with appropriate authorities as to the propriety of drafting regulations intended to prevent worker fatigue).
  - vii. The establishment of gas blow procedures:
    - a) Identify what other activities, if any, may take place on site prior to, during, and after the cleaning process;
    - b) Identify, if appropriate, weather conditions that will preclude the cleaning operation;
    - c) Establish limitations for the periods of cleaning;
    - d) Establish appropriate site monitoring, both in terms of personnel and detection equipment, before, during and after the cleaning.
8. Recommend an agency or entity responsible for serving as a "clearinghouse" to coordinate the efforts of every regulatory agency with responsibilities associated with the construction of a power plant. The agency or entity recommended would serve to track and record the work of all other regulatory agencies.

The Department of Emergency Management and Homeland Security has expressed a willingness to identify models of the latter form of operating structure.

Chairman Thomas reported that the 437 page final report of the Kleen Energy Plant Investigation Review Panel is posted on the Department of Public Utility Control website.

John Olsen inquired as to whether the Nevas Report is a presentation or their recommendations. Commissioner DelGobbo stated that the Nevas Report is a presentation.

#### **Next Action Items for the Thomas Panel**

Chairman Thomas stated that the US Chemical Safety Board is scheduled to attend the next meeting on August 24<sup>th</sup> at 10:00 to make their presentation. Representatives from OSHA may be attending this meeting also. On August 5, 2010, OSHA cited 14 contractors. Chairman Thomas reiterated the importance of gathering all pertinent information from all entities in order for the panel to make recommendations to the Governor.

Chairman Thomas reported that there are three additional meetings scheduled; August 24<sup>th</sup>, September 14<sup>th</sup> and September 28<sup>th</sup>.

**Public Comments**

John Olsen requested that the OSHA report be available to members of the Thomas Panel prior to the next meeting.

John Olson suggested to the panel that consideration should be given to involving the State's Permitting Ombudsman. Mr. Olson felt the Ombudsman may have valuable information that would be beneficial to the members of the Thomas Panel.

Derek Phelps announced that he and the Connecticut Siting Council support the panel and their efforts. Mr. Phelps will be leaving state service on August 18, 2010. Robert Mercier, Siting Analyst, will be available to assist the Panel.

**Motion to Adjourn**

Edward Badamo motioned to adjourn the meeting. The motion was seconded by John Olsen. The meeting adjourned at 10:29 a.m.

Respectfully submitted,

Elizabeth Brinley  
August 10, 2010